



UNITED STATES PATENT AND TRADEMARK OFFICE

Zfw.

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/972,605

10/05/2001

Paul W. Cushman

NAI1P024_01.038.02

4595

758

7590

01/18/2006

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

EXAMINER

SAM, PHIRIN

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
OIP/EI/AP
FEB 02 2006

Office Action Summary	Application No. 09/972,605	Applicant(s) CUSHMAN, PAUL W.	
	Examiner Phirin Sam	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-10, 17, 19-22, 26-30, 33-35, 42, 44, 45, 47 and 51-53 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 11-16, 18, 23-25, 31, 32, 36-41, 43, 46 and 48-50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



PHIRIN SAM
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>0102, 0103, & 1105</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
6) <input type="checkbox"/> Other: _____ |
|--|--|

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 10, 17, 19-22, 26-30, 35, 42, 44, 45, 47, and 51-53 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,914,956 (hereinafter referred as "Williams").

Williams discloses the invention (**claims 1-5, 10, 17, 19-22, 26-30, 35, 42, 44, 45, 47, and 51-53**) as claimed including a method for copying data from an ATM connection table, comprising:

- (a) monitoring an ATM connection table on an ATM network (see Fig. 4, element 478, col. 5, lines 9-12);
- (b) determining whether entries of the ATM connection table are active (see Fig. 4, element 478, col. 5, lines 12-16);
- (c) periodically transferring data from active entries of the ATM connection table to memory (see Fig. 4, col. 8, lines 55-61);
- (d) utilizing identifiers associated with the data for identification purposes (see Fig. 4, col. 5, lines 9-12);
- (e) utilizing the transferred data in the memory with an application program (see Fig. 4, col. 8, lines 55-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 9, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,914,956 (hereinafter referred as "Williams") in view of US Patent 6,195,352 (hereinafter referred as "Cushman").

Regarding claims 8, 9, 33, and 34, Williams does not disclose statistical information. However, Cushman discloses the statistical information (see Fig. 3, element 311, col. 6, lines 14-17). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the statistical information teaching by Cushman with Williams. The motivation for doing so would have been to provide to identify the number of cells received on each channel read on column 9, lines 49-50. Therefore, it would have been obvious to combine Cushman and Williams to obtain the invention as specified in the claims 8, 9, 33, and 34.

Allowable Subject Matter

5. Claims 6, 7, 11-16, 18, 23-25, 31, 32, 36-41, 43, 46, and 48-50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on a compress schedule, from 8:00-5:30, first Wed off.

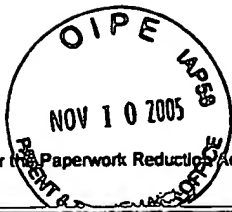
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272 - 3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

Date: January 15, 2006


PHIRIN SAM
PRIMARY EXAMINER



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/08A (10-01)

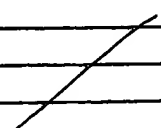
Approved for use through 10/31/2002. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Complete if Known			
		Application No.	09/972,605		
		Filing Date	October 5, 2001		
		First Named Inventor	Paul W. Cushman		
		Art Unit	2663		
		Examiner Name	Duc Duong		
Sheet	1	of	1	Attorney Docket Number	24523-09667

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. ¹	Document No. Number - Kind Code ² (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
PS	A1	US 5,414,707	05-09-1995	Johnston et al.
PS	A2	US 6,061,820	05-09-2000	Nakakita et al.
PS	A3	US 6,345,037	02-05-2002	St-Denis et al.

FOREIGN PATENT DOCUMENTS					
		Foreign Patent Document			
Examiner Initials*	Cite No. ¹	Country Code ³ – Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶
PS	B1	WO 00/14994	03-16-2000	Telefonaktiebolaget LM Ericsson	

OTHER REFERENCES - NON-PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published			T ⁶
					

Examiner Signature		Date Considered	01/15/06
--------------------	--	-----------------	----------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

24523/09667/DOCS/1572251.1



Form 1449 (Modified) Information Disclosure Statement By Applicant (Use Several Sheets if Necessary)	Atty. Docket No. NAI1P024/01.038.02	Application No.: 09/972,605
	Applicant: Cushman	Group Art Unit: Unassigned
	Filing Date: 10-05-01	

U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub- class	Filing Date
PS	A	5,202,885	04-13-93	Schrodi et al.	370	94.1	03-12-91
PS	B	5,884,297	03-16-99	Noven	707	1	05-23-97
PS	C	5,898,688	04-27-99	Norton et al.	370	362	05-24-96
PS	D	5,914,956	06-22-99	Williams	370	395	02-03-97
PS	E	6,148,410	11-14-00	Baskey et al.	714	4	09-15-97
	F						
	G						
	H						
	I						
	J						
	K						

Foreign Patent or Published Foreign Patent Application

Examiner Initial	No.	Document No.	Publication Date	Country or Patent Office	Class	Sub- class	Translation	
							Yes	No
	L							
	M							
	N							
	O							
	P							

Other Documents

Examiner Initial	No.	Author, Title, Date, Place (e.g. Journal) of Publication
	R	
	S	
	T	
Examiner	<i>Thrin</i>	
Date Considered		01/05/06

Examiner: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

RECEIVED

JAN 16 2002

Technology Center 2609



Form 1449 (Modified)	Atty. Docket No. NAI1P024/01.038.02	Application No.: 09/972,605
Information Disclosure Statement By Applicant	Applicant: Cushman	
(Use Several Sheets if Necessary)	Filing Date: 10/05/01	Group Art Unit: 2661

U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub- class	Filing Date
DS	A	6,195,352 B1	02/27/01	Cushman et al.	370	395	03/15/96
	B						
	C						
	D						
	E						
	F						
	G						
	H						
	I						
	J						
	K						

RECEIVED
JAN 17 2003
Technology Center 2600

Foreign Patent or Published Foreign Patent Application

Examiner Initial	No.	Document No.	Publication Date	Country or Patent Office	Class	Sub- class	Translation	
	L						Yes	No
	M							
	N							
	O							
	P							

Other Documents

Examiner Initial	No.	Author, Title, Date, Place (e.g. Journal) of Publication
	R	
	S	
	T	
Examiner		
	Date Considered	01/15/06

Examiner: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Notice of References Cited	Application/Control No. 09/972,605	Applicant(s)/Patent Under Reexamination CUSHMAN, PAUL W.	
	Examiner Phirin Sam	Art Unit 2661	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,195,352	02-2001	Cushman et al.	370/395.6
*	B	US-5,914,956	06-1999	Williams, Joel R.	370/395.41
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. OFFICIAL MAIL
PERMIT NO. 1027
ST. LOUIS, MO 63102
FIRST CLASS

10280

Organization

U. S. DEPARTMENT OF COMMERCE

COMMISSIONER FOR EXPORTS

P.O. BOX 1450

ALEXANDRIA, VA 22313-1450

IF UNDELIVERABLE RETURN IN TEN DAYS

OFFICIAL BUSINESS

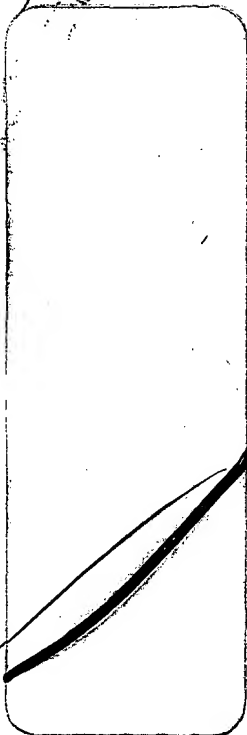
\$01.35

02 1A
0004204479
JAN 18 2006

MAILED FROM ZIP CODE 22314

AN EQUAL OPPORTUNITY EMPLOYER

Moved to New Address
No Address
Forwarding Co.
No Stamps
No Stamps



RECEIVED
FEB 02 2006
USPS MAIL CENTER

NOT AT THIS ADDRESS

BEST AVAILABLE COPY

